

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ATR-KIM ENG FINANCIAL  
CORPORATION and ATR-KIM ENG  
CAPITAL PARTNERS, INC.,

Plaintiffs,

v.

HUGO N. BONILLA,

Defendant.

No. C 08-01062 WHA

**ORDER DENYING  
DEFENDANT'S REQUEST TO  
CERTIFY APPEAL TO THE  
NINTH CIRCUIT**

While the Court has jurisdiction to certify this bankruptcy appeal under 28 U.S.C. 158(d)(2), the Court is not required to do so. Even if the certification was granted, the circuit court would still have to grant the petition for review. In the experience of the undersigned, this rarely occurs. The result would be a delay in resolving this matter and a waste of resources. In addition, from experience, it is best if the district judge makes a stab at answering the legal question. This will at least frame the issue for the court of appeals. There is no exigency here. The issue has not been presented to the Ninth Circuit because it involves a question of Delaware law. Therefore, defendant's request to certify the appeal to the Ninth Circuit is **DENIED**.

**IT IS SO ORDERED.**

Dated: March 5, 2008.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE